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City Document.—No. 10.

REPORT

OF THE

BOARD OF VISITORS

OF THE

BOSTON LUNATIC HOSPITAL,

IN THE MATTER OF THE

SUPERINTENDENT OF THAT INSTITUTION.

1849.



BOSTON:

J. H. EASTBURN, CITY PRINTER.

1849.

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CITY OF BOSTON.

In Common Council, March 1, 1849.

The following Report having been read and laid on the table, five hundred copies of said Report and the accompanying papers were ordered to be printed.

Attest:

W. P. GREGG, Clerk C. C.

MAY 4 1962

TO THE CITY COUNCIL OF THE CITY OF BOSTON.

*Board of Visitors of Boston Lunatic Hospital, }
Boston, February 28, 1849. }*

Pursuant to a vote of the City Council, "that the Board of Visitors of the Boston Lunatic Hospital should investigate the circumstances which induced Dr. C. H. Stedman to grant a certificate to Dr. Kraitsir, that his wife, Helen Kraitsir, was a Lunatic," the Board at once proceeded to make all the investigation in their power. To avoid any misapprehension as to the facts connected with this affair; and as this Board had no power to compel witnesses to testify—it was deemed advisable to call upon the several parties for their statements in writing, of such facts as they were pleased to communicate. Herewith, the Board transmit to the City Council, copies of their vote—of our communication to Dr. C. H. Stedman and his reply—of that to Mrs. Kraitsir, and her reply—also the reply of Mrs. Bixby in answer to our application to her and Mr. E. H. Valentine; from Mr. Valentine no reply has been received. The City Council will perceive from Mrs. Kraitsir's letter, our reasons for calling on Mrs. Bixby and Mr. Valentine.

Having thus taken every step in this affair that they felt themselves competent to take, they respectfully submit to the City Council the before mentioned documents, as the result of their investigation.

ANDREW T. HALL,
*Chairman of the Board of Visitors
of the Boston Lunatic Hospital.*

CITY OF BOSTON.

In Common Council, Feb. 8th, 1849.

Ordered, That the Board of Visitors of the Lunatic Hospital be, and they hereby are directed to cause an immediate investigation into the circumstances which induced Dr. C. H. Stedman to grant a certificate to Dr. Kraitsir, that his wife, Helen Kraitsir, was a Lunatic—and report the particulars to the City Council within two weeks.

Sent up for concurrence.

FRANCIS BRINLEY, *President, pro tem.*

*In the Board of Mayor and Aldermen, }
February 12th, 1849. }*

Read and concurred.

JOHN P. BIGELOW, *Mayor.*

A true copy. Attest:

S. F. McCLEARY, *City Clerk.*

*In Board of Visitors of the Boston Lunatic Hospital, }
February 13, 1849. }*

Ordered, That a copy of the communication received from the City Council in reference to the case of Mrs. Helen Kraitsir, be furnished to Dr. Stedman—and that he be requested to furnish to this Board without delay, the circumstances, which induced him to give to Dr. Kraitsir a certificate, setting forth therein that his wife, Helen Kraitsir was a Lunatic.

A true copy. Attest:

S. F. McCLEARY, JR., *Secretary.*

TO THE BOARD OF VISITORS
OF THE BOSTON LUNATIC HOSPITAL,

GENTLEMEN,—I have the honor to acknowledge your communication to me of the order of the City Council, dated the 13th inst.—“That the Board of Visitors of the Boston Lunatic Hospital be, and they hereby are directed to cause an immediate investigation into the circumstances which induced Dr. C. H. Stedman to grant a certificate to Dr. Kraitsir, that his wife, Helen Kraitsir, was a Lunatic: and report the particulars to the City Council within two weeks,”—accompanied by one of your Board, asking me to furnish the statement without delay.

In complying with this, as a request of your honorable Board, I beg permission, with entire respect, to suggest the distrust I entertain, of any obligation on my part to respond to the call, considered in the nature of a mandatory requisition. For any act or omission in the performance of my duties as an officer of the City, in charge of a branch of its medical departments, I could of course have no hesitation in admitting the right of the freest scrutiny, and the entire duty on my part of the fullest disclosure. But when the requisition transcends this limit, and extends to acts done by me in my private capacity, whether personal or professional, having no connection with my public duties, and not under the name or sanction of my office, I must be allowed to question the right of inquiry, or the obligation to answer.

[March,

The act alluded to in the resolution under which you address me, was purely of that character. The certificate, as is well known, was not signed by me as physician of the Boston Lunatic Hospital, nor for the purpose of being used there; but was given by me as a physician merely, and for the purpose declared in it, of being used at another asylum.

It can hardly be supposed that this Order was introduced into the City Council upon the hypothesis that *any* act done or advice given by me is to be considered an undue appropriation of *time* belonging to the City; for if that were all, the only inquiry necessary would be, whether it *did* so interfere with the proper discharge of my duties at the Hospital;—a supposition too unreasonable to be made the basis of such an investigation.

Its introduction, therefore, could only have been upon the supposition, that the certificate was given under circumstances justifying a suspicion of immorality or misconduct, which, if established, would prove me unworthy of the confidence reposed in me as physician of the Hospital, and require my immediate removal; or, in plain language, that the certificate was knowingly false, and given from corrupt motives.

It is thus seen that I am, in this manner, indirectly, but not the less pointedly, called upon to answer to a charge of bribery, corruption, or conspiracy, committed in order to procure the false imprisonment in a Lunatic Asylum of a sane and helpless woman. A charge, involving a degree of moral turpitude, from which I should have supposed that an ordinarily fair reputation acquired in a professional life of twenty years in a community like this, would be, at least upon first impression, and without some very satisfactory proof, a sufficient protection. That cases may occur of

flagrant misconduct, so obvious as to dispense with the necessity of investigation, and so obviously disqualifying a public officer as to require his instant removal from public service, is doubtless true:—cases in which the nature of the act alone considered, and the unquestionable propriety of immediate discharge, constitute a law of necessity paramount to all the ordinary obligations of preliminary inquiry. But that individuals, because holding public appointments, are to be arraigned and tried by the legislative branch of a municipal government, upon charges or insinuations of criminal offences, alledged or supposed to have been committed by them in their private capacities, and not in discharge, nor under pretence of discharge of their official duties, seems to me, in my humble experience and apprehension, a new, and somewhat startling proposition. And more especially must I consider this to be so in cases, where the act done is one of ordinary professional obligation, *in itself* purporting no wrong, and which could be shown to be blame-worthy only by proof of gross wickedness and corruption in the motives for performing it.

The giving of such a certificate is, indisputably within the scope of my ordinary duty as a physician. It cannot have been wrongfully given unless Mrs. Kraitsir is not insane, and unless I have been guilty of most culpable corruption, or connivance in a base conspiracy to deprive her of personal liberty. If I have been thus guilty, the Judicial Courts, or the Grand Jury, I respectfully submit, are the tribunals to which I should be called upon to answer. I can hardly conceive that if the City Council were disposed to resolve themselves into a bench of judges or a panel of jurors, to decide upon the law and evidence of corruption and conspiracy, or into a committee of physicians to deter-

[March,

mine a question of Lunacy, they would demand of me the surrender of the rights common to all other men, of having these questions, affecting interests much dearer to me than life, passed upon by those whom the law, the common protector of all, has appointed for this purpose; and by the application of those principles which the learning and experience of ages have established as essential to the preservation of individual security; and which those, thus appointed are, by the theory and practice of our institutions, alone competent to administer. If *I* am to be thus called upon to defend myself against such charges or insinuations, I perceive no distinction that can exempt the City Solicitor from being in like manner liable to be tried for any opinion he may have given to clients in the course of his professional practice; nor under which any person, receiving appointment from the Honorable the City Council, may escape from being thus subjected to an investigation into the fairness of any bargain he may have made; or of the propriety of his domestic behavior.

On this part of the case I have only to add, that when it is remembered that the certificate was for the purpose of introducing the patient into an asylum in charge of one of the most intelligent and accomplished and conscientious physicians in the country, and under the constant supervision of a Board of Trustees, some of whom visit it weekly, and who scrupulously discharge the duty of inspecting every patient and apartment; and whose abilities and elevated integrity no man in this community will venture to question,—the supposition that I should dare to give a false certificate, thus exposing myself to certain detection and consequent shame, and necessary forfeiture of all professional character, seems to involve that of a degree of infatua-

tion and absurdity on my part that would prove myself a proper subject for consignment to the same institution.

Permit me further to suggest whether proceedings of this nature, to compel a physician to make public disclosure of circumstances communicated to him, and opinions formed in the discharge of private professional duty, may not be also a wrong to the parties most immediately interested in them; and impose upon him the obligation of resistance, from regard to the sacredness of professional intercourse,—that he may not be thus made the instrument to exhibit to the world their private griefs.

I have the best authority for knowing that this order was introduced, not only without the knowledge or consent of either party, or the counsel of either, but that the procedure was greatly deplored by them all. And under other circumstances I might feel that I ought entirely to decline the request of your Honorable Board from a sense of duty; that I might not thus cause an act, done in the discharge of professional obligation, to become a means of any unnecessarily extensive and permanent disclosure of the misfortunes of either of the parties.

But as this proceeding, instituted, as is supposed, by those assuming to act as the friends of one of them, has placed me, without my agency or fault, in a position before the public calling in question my integrity and humanity in the most revolting form; and from which I perceive no relief, but by proof of my willingness to make a frank disclosure of the circumstances called for; and as the unhappy notoriety already given to this case can render any communication of my knowledge or opinion of comparatively little, if of any further prejudice to the parties, I now place one in

your hands, to be used as you shall think proper, desiring, very respectfully, to rest upon your Board or the City Council the responsibility of giving to it any greater publicity:—trusting that these remarks with which I have thought necessary to accompany it, will not be attributed to any want of the most entire respect to the authority from which the order emanated, or the request accompanying it, but only to a sense of my obligations to myself, and to the profession, of which I am, in this instance constrained to act as the humble representative.

STATEMENT made by the undersigned in reply to the request made by the Board of Visitors of the Boston Lunatic Hospital—and placed in their hands with an accompanying document assigning reasons for questioning the obligation to make one: and to be used by the Board upon its own responsibility, subject to, and accompanied by the remarks in that document contained.

STATEMENT.

IN December last, on the morning of a Sunday, I was called on by my friend, Dr. C. G. Putnam, who requested me, as having peculiar experience in the observation of insanity, of which he had had none, to visit Mrs. Kraitsir, the wife of Dr. Kraitsir.

He remarked that she was by some persons thought to be insane; and that her husband desired a medical investigation. Dr. Putnam related a few facts bearing upon the question, saying, at the same time, that he had not seen her, and must leave me to judge whether or not they denoted a deranged condition of mind.

The interview was very short, being at the gate of the Hospital—and did not exceed five minutes. He instructed me to call upon Miss Elizabeth Peabody, who, he said, would inform me where Mrs. Kraitsir lived.

I had at that time no personal acquaintance with Miss Peabody or Dr. Kraitsir, but was aware of her high standing in society, and of his eminence as a man of learning, intrusted with the education of a large number of the children of some of the most respectable gentlemen in the City.

I soon waited upon Miss Peabody, who inquired of me whether I had heard any thing upon the subject of Mrs. Kraitsir's state of mind; and I related to her the above-mentioned conversation with Dr. Putnam. It is due to Miss Peabody to say, that she seemed desirous that I should form, as far as possible, an unbiassed judgment. At the house of Miss Peabody I was introduced to Dr. Kraitsir, and Mr. Samuel R. Putnam, a gentlemen whom I knew only by reputation.

In this interview the arrangements were made for a visit to Mrs. Kraitsir; and Dr. Kraitsir gave me a note to her, (which has since appeared in print,) to hand to her if I should judge her to be a proper subject of removal to the Asylum at Somerville, under the charge of Dr. Bell.

Miss Peabody accompanied me to the house where Mrs. Kraitsir boarded: she was not at home when we arrived;—but soon afterwards came in. We conversed with her, and being satisfied from her manners and conversation that the belief in her insanity was well founded, I gave to her the note. She refused to read it then, but immediately left us, and went up stairs, saying that she would read it in her own room; but instantly she returned, reading the note as she came down stairs, and commenting on its contents. Her whole deportment and conversation, together with the before mentioned statements of Dr. Putnam, convinced me in the most satisfactory manner, that Mrs. Kraitsir was afflicted with a species of insanity often exhibited in Asylums for the insane, and almost precisely similar to one, at least, then and now under my care. And I felt that no greater kindness could be done to her or her friends than to place her under the care of Dr. Bell, the Superintendent of the Asylum at Somerville, whose

skill and reputation as a physician for the insane need no comment.

Immediately after leaving the house, I met Mr. S. R. Putnam, whom I understood to be a particular friend of Dr. Kraitsir, and, in Mr. William Brown's apothecary store, I then wrote and handed to him the certificate.

I should not have thought it worth my while to allude to the further circumstance of any compensation received or anticipated for this service, had it not been for an intimation made when the order for inquiry was introduced, which it is needless for me otherwise to notice.

But under these circumstances, I assure you, that neither at my interview with Dr. Putnam, nor in that with Dr. Kraitsir or Miss Peabody, or Mr. S. R. Putnam, nor at any time or place, has a word been uttered in reference to that subject, other than a remark made by Dr. Kraitsir as I was leaving Miss Peabody's house, who, expressing regret for the trouble he was giving me, made the usual profession of his readiness to compensate me for my visit.

I might add, that evidence since received, from distant but unquestionable sources, has entirely confirmed the opinion which I formed; but, for obvious reasons, it is unnecessary further to allude to it.

Respectfully, your ob't servant,

C. H. STEDMAN.

Boston Lunatic Hospital, }
Feb. 19th, 1849. }

[March,

CITY OF BOSTON.

In Board of Visitors of Boston Lunatic Hospital, }
February 19, 1849. }

THE foregoing communication of Dr. Stedman to this Board was read and laid upon the table; and upon the statement made by the Chairman of the Board that it was the wish of Mrs. Kraitsir to be heard in relation to this subject, it was

Ordered, That the Secretary be directed to furnish to Mrs. Helen Kraitsir a copy of the order received from the City Council, authorizing an investigation into the circumstances, under which Dr. C. H. Stedman furnished to Dr. Kraitsir a certificate of the insanity of his wife Helen Kraitsir—and that the Secretary also inform Mrs. Kraitsir that the Board, agreeably to her request, will receive any statement in writing which she may deem advisable to make in relation to the circumstances abovementioned.

A true copy.

Attest: S. F. McCLEARY, JR., *Secretary.*

In Board of Visitors of the Boston Lunatic Hospital,
February 23d, 1849.

THE following communication from Mrs. Kraitsir addressed to the Secretary of the Board, in answer to the foregoing order was received.

Boston, February 23d, 1849.

RESPECTED SIR:

IN consequence of the arrangements for a settlement between Dr. Kraitsir and myself, and by the advice of my counsel I am obliged to defer the statement in reference to Dr. C. H. Stedman, but if the statement is necessarily required at present, I refer you to Mrs. M. Bixby and Mr. E. H. Valentine, at this house, No. 7 Eliot street, who were present during Dr. C. H. Stedman's short visit to me.

Respectfully,

HELEN KRAITSIR.

Read and thereupon—*Ordered*, That the Secretary notify Mrs. M. Bixby and Mr. E. H. Valentine that this Board will receive any communications from them in writing, prior to Tuesday afternoon next, at five o'clock, in regard to the circumstances attending the visit of Dr. Stedman to Helen Kraitsir; agreeably to the suggestion made in the communication of Mrs. Kraitsir to this Board under date of the 23d, instant.

A true copy.

Attest: S. F. McCLEARY, JR., *Secretary.*

In Board of Visitors of Boston Lunatic Hospital,
February 27, 1849.

The following communication was received from Mrs. Bixby, in reply to the order of the Board passed at the last meeting.

Boston, February 26, 1849.

The Board of Visitors of the Boston Lunatic Hospital having instructed their Secretary to notify me that the Board would receive any communication I wished to make in regard to the circumstances attending Dr. Stedman's visit to Mrs. Helen Kraitsir—I beg to acquaint the Board that, upon due consideration I decline making any statement in regard to said visit—Mrs. Kraitsir, the party most interested, having, by advice of counsel, herself declined sending a proposed statement.

Respectfully,

M. B. BIXBY.

Read, and thereupon *Ordered*, That the Chairman of this Board be requested to transmit to the City Council the Statement of Dr. Stedman, together with copies of all Documents received and Orders passed by the Board, relative to the investigation, which was required by a vote of the City Council passed on the 12th day of February, 1849.

Attest:

SAMUEL F. McCLEARY, JR., *Secretary.*